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Chapter No. 344

15/HR31/R1090

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## ***HOUSE BILL NO. 469***

Originated in House



Clerk

HOUSE BILL NO. 469

AN ACT TO AMEND SECTION 37-167-1, MISSISSIPPI CODE OF 1972, TO REVISE PROVISION RELATING TO THE ADMINISTRATION OF THE NEW START SCHOOL PROGRAM; TO PROVIDE THAT THE NEW START SCHOOL OPTION SHALL APPLY ONLY TO SCHOOLS THAT HAVE BEEN DETERMINED BY THE STATE DEPARTMENT OF EDUCATION TO BE FAILING FOR A MINIMUM OF TWO CONSECUTIVE YEARS; TO REQUIRE THE STATE SUPERINTENDENT OF PUBLIC EDUCATION, OR HIS/HER DESIGNEE, TO SELECT AND CONTRACT THE PRINCIPAL OF THE NEW START SCHOOL AND DETERMINE THE TERMS OF THE EMPLOYMENT CONTRACT; TO REQUIRE THE NEWLY EMPLOYED PRINCIPAL TO SELECT AND RECOMMEND EMPLOYEES FOR HIRE AT THE NEW START SCHOOL SUBJECT TO APPROVAL OF THE STATE SUPERINTENDENT; TO REQUIRE THE SUPERINTENDENT OF THE SCHOOL DISTRICT IN WHICH THE NEW START SCHOOL IS LOCATED TO ENTER INTO CONTRACTS WITH PERSONS APPROVED AS TEACHERS UPON THE REQUEST OF THE STATE SUPERINTENDENT; TO REQUIRE THE LOCAL SCHOOL DISTRICT TO FUND OPERATIONS AT ANY NEW START SCHOOL WITHIN THE DISTRICT ON A PER PUPIL BASIS AND AT A LEVEL SUFFICIENT TO READILY IMPROVE PERFORMANCE IN THE SCHOOL; TO AUTHORIZE THE STATE SUPERINTENDENT OF PUBLIC EDUCATION, OR HIS/HER DESIGNEE, TO DETERMINE SUFFICIENCY OF FUNDING AND TO ESTABLISH A PER PUPIL AMOUNT IF DISTRICT FUNDING IS DETERMINED TO BE INSUFFICIENT; TO ALLOW THE STATE BOARD OF EDUCATION TO CONTRACT WITH ONE OR MORE PERSONS OR PRIVATE ENTITIES WITH EXPERIENCE IN IMPROVING SCHOOL PERFORMANCE TO ASSIST IN IMPLEMENTING AND ADMINISTERING ANY PART OF THE NEW START SCHOOL PROGRAM; TO REQUIRE THE LOCAL SCHOOL DISTRICT TO PAY ALL ACTUAL AND NECESSARY COSTS RELATED TO IMPLEMENTING AND ADMINISTERING THE NEW START SCHOOL PROGRAM WITHIN THE DISTRICT; TO PERMIT THE STATE BOARD OF EDUCATION TO OVERRIDE ANY DECISION OF THE LOCAL SCHOOL BOARD OR LOCAL SUPERINTENDENT OF EDUCATION CONCERNING THE MANAGEMENT AND OPERATION OF A FAILING SCHOOL; TO AUTHORIZE THE STATE BOARD OF

EDUCATION TO ESCROW ANY PORTION OR ALL STATE FUNDS EXCEPT CONSTITUTIONALLY MANDATED FUNDS ALLOCATED TO THE SCHOOL DISTRICT, UNTIL APPROPRIATE CORRECTIVE ACTIONS ARE TAKEN OR THE NEEDS OF STUDENTS WARRANT THE RELEASE OF FUNDS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 37-167-1, Mississippi Code of 1972, is amended as follows:

37-167-1. (1) Except as otherwise provided this section applies only to those public schools in the State of Mississippi which, during \* \* \* a minimum of two (2) consecutive school years, are considered failing, as determined by the State Department of Education.

For purposes of this section, the term "new start school" means the successor school to a public school in the State of Mississippi which, during \* \* \* a minimum of two (2) consecutive school years, is considered failing, as determined by the State Department of Education.

(2) There is established the New Start School Program for the purpose of transforming certain failing schools into quality educational options. Under the program, a new start school \* \* \* may be established in each public school that, during \* \* \* a minimum of two (2) consecutive school years, is considered failing, as determined by the State Department of Education. The New Start School Program shall be under the administration of the \* \* \* State Department of Education.

(3) (a) Whenever a school is classified by the State Department of Education as a failing school in any school year,

the \* \* \* department may provide written notice to the principal and each licensed (certified) and nonlicensed (classified) employee in the school that if the school receives a classification of failing for the succeeding school year, the school \* \* \* may be transformed into a new start school and the person's employment with the local school district \* \* \* may be terminated. The notice shall be sent by the \* \* \* State Superintendent of Public Education, or his/her designee, \* \* \* as soon as practicable after the school is classified as failing.

(b) In addition to the notice required under paragraph (a) of this subsection (3), the local school board shall provide notice to the public in a newspaper of general circulation in the local county that if the school receives a classification of failing for the succeeding school year, the school \* \* \* may be transformed into a new start school. The advertisement may not be placed in any portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall appear in a newspaper that is published at least five (5) days a week, unless the only newspaper in the county is published less than five (5) days a week, in such case, the advertisement shall be published once a week for three (3) consecutive weeks. The newspaper selected must be one of general interest, readership and circulation in all areas of the community.

(4) If a school that has been classified by the State Department of Education as a failing school \* \* \* during a minimum

of two (2) consecutive school years, the \* \* \* State Department of Education may take \* \* \* any steps as may be deemed necessary to facilitate the transformation of the failing school into a new start school. However, the school board of the local school district in which such a school is located may appeal to the State Board of Education for an additional year by submitting a comprehensive plan of improvement. The State Board of Education, in its discretion, may grant a one-year delay if it determines circumstances merit giving the school an additional year to achieve academic improvement. If, during the additional year, the school is classified again as a failing school, the \* \* \* department may proceed to transform the failing school into a new start school.

(5) The State Board of Education shall adopt rules and regulations governing the transformation of failing schools into new start schools. The State Board of Education shall adopt rules and regulations that ensure that all students who were enrolled in, in attendance at and residing in the attendance zone of the public school before a new start school is instituted shall continue being eligible for and shall be deemed to be enrolled in the new start school without any required application process for the school. The rules and regulations must include, but not necessarily be limited to, the following provisions:

(a) The State Board of Education shall adopt rules and regulations to evaluate the performance of all licensed

(certified) and nonlicensed (classified) employees in schools that are to be transformed into a new start school. The performance evaluation shall be conducted by the school district superintendent at the conclusion of the second consecutive year in which a school is classified as failing. For all licensed (certified) employees the said rules and regulations shall use data, which shall include using the measures of student achievement, to assess the effectiveness of the educator. Any employee that receives an unsatisfactory evaluation may be terminated by the school district in which the school is located. Any employee terminated under the authority of this paragraph (a) shall not have a right to request a hearing by the school district or before a hearing officer or the State Board of Education.

(b) The \* \* \* State Superintendent of Public Education \* \* \* or his/her designee, \* \* \* at the State Department of Education shall select a person to be employed as the principal of the new start school and establish the terms of employment. Upon the request of the \* \* \* State Superintendent of Public Education, or his/her designee, the superintendent of the school district in which the new start school is located shall enter into a contract with the person selected to be the principal in the same manner that contracts with principals are executed under Section 37-9-23. The principal of the new start school shall be an employee of the school district but shall report and be accountable directly to the \* \* \* State Superintendent of Public

Education \* \* \* or his/her designee \* \* \* at the State Department of Education. All decisions impacting the academic, finance or any other managerial or operational functions of the new start school shall be subject to the review and approval of the \* \* \* State Department of Education.

(c) The principal of the new start school, chosen by the \* \* \* State Superintendent of Public Education, or his/her designee, under paragraph (b) of this subsection (5), shall select and recommend for employment all licensed (certified) and nonlicensed (classified) personnel for the school \* \* \*. The principal shall endeavor to select only the most qualified applicants for employment in the new start school. Each teacher recommended for employment in the new start school and the terms of employment must be approved by the \* \* \* State Superintendent of \* \* \* Public Education, or his/her designee at the department, before a contract for employment may be executed with the teacher. Upon the request of the State Superintendent of Public Education, or his/her designee, the superintendent of the school district in which the new start school is located shall enter into contracts with persons approved as teachers in the same manner that contracts with licensed employees are executed under Section 37-9-23.

(d) The school district superintendent shall develop professional development courses of training specifically designed for licensed (certified) and nonlicensed (classified) personnel in

a new start school which shall be approved by the State Board of Education. All licensed (certified) and nonlicensed (classified) employees of the new start school shall be required to participate in the professional development courses.

(e) The principal of a new start school shall establish a P-16 council to assist in the transformation of the new start school. The P-16 council may be composed of parents, students, educators and other community members who are interested in the success of the new start school.

(f) When a new start school achieves an accountability rating of "C" or better for two (2) consecutive years, it shall cease to be a new start school and control shall be returned to the local school board.

(6) The 2013-2014 school year shall be the first year that a school's classification may be considered for purposes of this section, and a classification as a failing school in any year preceding the 2013-2014 school year may not be considered in determining if a particular school must be transformed into a new start school.

(7) If a local school district has one or more schools designated as failing \* \* \* for two (2) consecutive years, the superintendent of that local school district shall be restricted only to travel that is mandated by law or prescribed by the State Department of Education.



(8) If a local school district has one or more schools designated as failing \* \* \* for two (2) consecutive years, the members of the local school board of that school district shall be restricted only to travel that is mandated by law or prescribed by the State Department of Education, and shall have the amount of their per diem and/or yearly rate reduced by one-half (1/2).

(9) The local school district shall allocate funds for operations of any new start school in the same manner as funds are allocated to all other schools in the district and shall provide administrative and support services to the new start schools in the same manner as such services are provided to other schools in the district. The local school district shall fund operations at any new start school within the district at a level sufficient to readily improve performance in the school. Funding shall be allocated on a per pupil basis. The State Superintendent of Public Education, or his/her designee, shall determine if funding is sufficient, and may establish a per pupil amount if it is determined that district funding for the new start school is insufficient.

(10) For all extracurricular purposes, any new start school shall remain a member of the local school district.

(11) The State Board of Education may, in its discretion, contract with one (1) or more persons or private entities with experience in improving school performance to assist in

implementing and administering any part of the New Start School Program.

(12) All actual and necessary costs related to implementing and administering the New Start School Program for any school shall be paid by the local school district in which the new start school is located. The State Department of Education shall submit an itemized statement to the superintendent of the local school district for reimbursement purposes, and any unpaid balance may be withheld from the district's adequate education program funds.

(13) If a school is classified by the State Department of Education as a failing school for two (2) consecutive years, the State Board of Education may override any decision of the local school board or local superintendent of education, or both, concerning the management and operation of the failing school, or initiate and make decisions concerning the management and operation of the failing school. Further, the State Board of Education may escrow some or all of state funds except as otherwise provided in Section 206, Mississippi Constitution of 1890, until it determines corrective actions are being taken or that the needs of students warrant the release of funds.

(14) Failure to comply with this section, any duly adopted regulations, or any decision of the State Superintendent of Public Education, or his/her designee, may be considered a violation of the Mississippi Public School Accountability Standards.

**SECTION 2.** This act shall take effect and be in force from  
and after July 1, 2015.

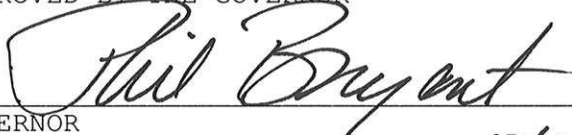
PASSED BY THE HOUSE OF REPRESENTATIVES  
February 5, 2015

  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE  
March 5, 2015

  
PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

  
GOVERNOR

3/13/15  
1:48pm